



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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WENDY L. WATANABE
AUDITOR-CONTROLLER

December 20, 2013

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Wendy L. Watanabe
Auditor-Controller

A handwritten signature in blue ink that reads "Wendy L. Watanabe".

**SUBJECT: PROBATION DEPARTMENT JUVENILE HALLS - DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT SECOND FOLLOW-UP REVIEW**

In October 2009, the Department of Justice (DOJ) settlement agreement for Probation Department's (Probation) juvenile halls concluded when the DOJ reported that the County had implemented all of the settlement agreement provisions. At the request of the Chief Executive Officer, we continue to monitor the juvenile halls to evaluate whether the County continues to comply with the settlement agreement provisions and with Probation's policies and procedures.

We have completed a second follow-up review to our February 8, 2012 report on Probation's compliance with the federal DOJ settlement agreement provisions pertaining to the juvenile halls (Attachment I). Our original report indicated that Probation was not always complying with all the settlement agreement requirements, and included 16 recommendations related to eight high-risk provisions to improve the Department's compliance. In our first follow-up monitoring review dated January 31, 2013, we indicated that Probation fully implemented eight (50%) of the original 16 recommendations. We also made three new recommendations.

During this second follow-up monitoring review, we reviewed Probation's progress implementing the 11 remaining recommendations from our February 8, 2012 and January 31, 2013 reports. We also reviewed Probation's Early Intervention System (EIS) to determine whether Probation management appropriately monitored and counseled staff with uses of force that exceeds the established thresholds for review. See Attachment I for the details of our review.

Results of Review

Overall, Probation has not made significant progress in implementing the 11 recommendations from our previous reports. During this monitoring review, Probation had fully implemented four (36%) of our 11 recommendations, partially implemented one recommendation (9%), and had not implemented six (55%) recommendations. In addition, Probation did not maintain compliance with the DOJ settlement agreement in different areas resulting in five new recommendations. Specifically, we noted that:

- Probation supervisors did not always complete thorough reviews of soft restraint incidents, and uses of pepper spray within the required timeframe. (Provisions 18 and 28)
- Probation did not always adequately supervise minors on enhanced supervision. (Provision 27)
- Probation supervisors did not always complete a review of the staff's use of physical intervention within the required timeframe, or document the reason(s) for the delays in completing the investigation. (Provisions 29 and 32)

Our review noted that Probation maintained compliance with the following provisions:

- Access to Care (Provisions 19 and 43)
- Youth on Youth Violence (Provision 35)

Probation management needs to continue to ensure that supervisors conduct timely and thorough reviews of use of force incidents (i.e., involving soft restraints, chemical restraints, or physical interventions). Probation management also needs to ensure that staff members do not leave their assigned post, or leave minors unattended while on enhanced supervision status.

Review of the Report

We discussed the results of our second follow-up review with Probation management. Probation management's response (Attachment II) indicates the corrective actions planned and/or already taken to implement the outstanding recommendations and restore compliance with the provisions. We plan to conduct another monitoring review within six months. Due to the number of issues Probation continues to have maintaining compliance with the DOJ settlement agreement provisions, our future monitoring reviews will report on the status of compliance of the DOJ settlement agreement provisions rather than report the implementation status of our recommendations.

We thank Probation management and staff for their cooperation and assistance during our review. Please call me if you have any questions, or your staff may contact Don Chadwick at (213) 253-0301.

WLW:AB:DC:AA:gh

Attachments

c: William T Fujioka, Chief Executive Officer
Jerry E. Powers, Chief Probation Officer
Marvin J. Southard, D.S.W., Director, Department of Mental Health
Mitchell H. Katz, M.D., Director, Department of Health Services
Arturo Delgado, Ed.D., Superintendent, Los Angeles County Office of Education
Public Information Office
Audit Committee

**LOS ANGELES COUNTY PROBATION DEPARTMENT JUVENILE HALLS
DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
SECOND FOLLOW-UP REVIEW
DECEMBER 2012 THROUGH FEBRUARY 2013**

USE OF SOFT RESTRAINTS (DOJ Provision 18)

The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.

Recommendation 2 from the February 8, 2012 Report

Probation management ensure that supervisors complete reviews of soft restraint incidents within the required timeframe.

Current Status: NOT IMPLEMENTED

We reviewed all three soft restraint incidents that occurred from December 2012 through February 2013, and noted that a supervisor did not review one (33%) of the three incidents within five business days, as required. The supervisor completed the review five business days late, and did not include documentation to justify or explain the reason for the delay. In addition, two (75%) of the three Child Safety Assessments were not completed by a supervisor within one hour following the incident as required. The two Child Safety Assessments were completed an average of four days late.

Probation Department (Probation) supervisors also did not conduct a thorough review of each soft restraint incident. Specifically, the reviews contained incomplete and erroneous information. In addition, one (33%) of the three reviews did not contain Physical Intervention Reports from two of the staff listed as witnesses to the incident.

New Recommendation

- 1. Probation management ensure that supervisors perform a thorough review of each incident involving soft restraints.**

ACCESS TO CARE (DOJ Provisions 19 and 43)

The County shall develop and implement policies, procedures, and practices that allow youth to access mental health services without interference from custody staff, except as dictated by institutional safety needs. In addition, the County shall develop and implement policies, procedures, and practices to ensure that Probation staff does not deter youth from requesting medical care.

Recommendation 4 from the February 8, 2012 Report

Probation management ensure that requests for medical, dental, and mental health services mistakenly placed in Probation's lockboxes are forwarded to the appropriate agency.

Current Status: **IMPLEMENTED**

We reviewed Probation's Access to Care Log and noted 45 Access to Care Forms for medical, dental, or mental health services that were placed in Probation's lockboxes rather than Juvenile Court Health Services or Department of Mental Health lockboxes. We noted that Probation forwarded all 45 forms to the appropriate agency within 24 hours. In addition, Probation's Electronic Medical Record System (PEMRS) indicated that the minors received the requested services within the required timeframes.

Recommendation 1 from the January 31, 2013 Report

Probation management ensure that grievance officers collect the Access to Care Forms daily.

Current Status: **IMPLEMENTED**

We reviewed the Access to Care Logs and the Access to Care Forms for 45 requests, and noted that Probation forwarded the forms to the appropriate service provider within 24 hours. In addition, PEMRS indicated that the minors received the requested services within the required timeframes.

STAFFING LEVELS (DOJ Provision 27)

The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.

Recommendation 2 from the January 31, 2013 Report

Probation management ensure staff adequately supervise minors on enhanced supervision.

Current Status: **NOT IMPLEMENTED**

During our review, we observed an instance where a staff person at Barry J. Nidorf Juvenile Hall (Barry J.) left his assigned post, leaving one minor on enhanced supervision status unattended. Probation management could not explain why the staff was not at his assigned post. Subsequent to our review, Probation management indicated that they referred the matter to the Superintendent's office for investigation.

Recommendation 7 from the February 8, 2012 Report

Probation management ensure that all minors on enhanced supervision keep their hands, wrists, arms, and entire neck and facial areas visible at all times.

Current Status: NOT IMPLEMENTED

During our review, we observed two minors on enhanced supervision who were completely covered by blankets while asleep in their beds at Barry J. We brought this incident to the attention of Probation management, and they subsequently informed us that they investigated the incident and disciplined the two employees involved.

Recommendation 6 from the February 8, 2012 Report

Probation management investigate the instance of staff not at her assigned post leaving ten minors unattended, and take appropriate disciplinary action.

Current Status: PARTIALLY IMPLEMENTED

Probation management investigated the instance noted in our February 8, 2012 report and disciplined the employee. Probation management also investigated and disciplined the staff person involved in the instance noted in our January 31, 2013 report, in which a staff person at Central Juvenile Hall was not at his assigned post leaving two minors unattended in their cells while they were on enhanced supervision status. However, Probation needs to continue its investigation of the additional instance noted above, and take appropriate disciplinary action.

CHEMICAL RESTRAINT (DOJ Provision 28)

The County shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent wherever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

Recommendation 3 from the January 31, 2013 Report

Probation management develop a universal "do not spray list", ensure that staff review the "do not spray list" before their shift, and discipline staff who administer OC spray to minors on the list without proper justification.

Current Status: IMPLEMENTED

Probation management created two weekly reports identifying different groups of minors on “do not spray” status: 1) minors receiving psychotropic medication; and 2) minors with fragile medical conditions (e.g., heart disease, asthma, etc.). Probation management indicated that system limitations prevent them from merging the two lists. All staff are required to initial both lists prior to the commencement of each shift so they are aware of minors on “do not spray” status.

We reviewed both “do not spray” lists for six shifts, and determined that all assigned staff initialed each list prior to the commencement of their shift. In addition, during our review of OC spray incidents noted above, we traced and agreed the names of all 15 staff involved in the OC spray incidents to the staff initials on each “do not spray” list.

Recommendation 8 from the February 8, 2012 Report

Probation management ensure that supervisors complete a timely and thorough review of oleoresin capsicum (OC or pepper spray) incidents.

Current Status: NOT IMPLEMENTED

We reviewed 15 OC spray incidents that occurred from December 2012 through February 2013, and noted that Probation supervisors did not conduct timely and thorough reviews of the incidents. Specifically:

- Three (20%) of the 15 OC spray incidents were not reviewed by a supervisor within five business days as required. The three incidents were reviewed an average of 16 business days late. Probation supervisors did not document the reasons for the delays, as required.
- Six (13%) of the 48 minors who were involved in the OC spray incidents were on the “do not spray” list. However, the staff and supervisors did not identify the exceptions or prepare written justification for spraying these minors while on the “do not spray” list. After we brought this to the attention of Probation management, they subsequently reviewed the circumstances regarding the incidents and determined that the use of OC spray in the presence of these minors was acceptable under the circumstances (i.e., three minors were involved in a gang fight, two minors were trying to escape, and one minor was assaulting staff). Probation management acknowledged and agreed that the staff and supervisors should have documented and explained these exceptions.
- Eight (17%) of the 48 minors who were involved in the OC spray incidents were not referred to Juvenile Justice Mental Health for mental health consultation, as required.
- Seven (47%) of the 15 OC spray incident reviews were closed before all the required documentation was submitted and reviewed. Specifically, the supervisors performing the seven reviews returned nine Physical Intervention Reports to staff for

additional follow-up, and closed the reviews before receiving and reviewing the updated reports.

Recommendation 11 from the February 8, 2012 Report

Probation management ensure that Probation Officers carry their oleoresin capsicum spray canisters in their holster on their belts while on duty.

Current Status: NOT IMPLEMENTED

We interviewed 30 Probation Officers at the juvenile halls, and observed that five (17%) of the 30 Probation Officers did not have their OC spray canisters in their holsters on their belts while on duty. Two of the staff subsequently retrieved their canisters from their car and locker. The remaining three staff did not have their canisters onsite, and provided the following explanations:

- One employee left her canister at home.
- One employee provided a canister that was assigned to a different employee. Probation management subsequently researched the discrepancy and informed us that the employee's canister was inadvertently switched with a sibling who was also a Probation employee. Probation management indicated that they counseled both employees on the importance of maintaining possession of their own canister.
- The remaining employee stated that his canister was stolen from his car 35 days earlier and was never replaced. The employee also stated that he reported the theft to his supervisor. However, the supervisor did not prepare a Special Incident Report (SIR) or maintain a copy of the police report to document the disposition of the canister, as required.

As part of our review, we also sampled 15 canisters on the bi-annual weight measurement log for April 2013, and noted that Probation supervisors did not obtain staff signatures acknowledging the measurement for two (13%) of the 15 canisters. In addition, the measurement log indicated that approximately nine bursts of OC spray was missing from one canister, but the supervisor did not perform an immediate administrative review as required.

Subsequent to our review, the Probation supervisor completed an administrative review of the discrepancy, and concluded that the significant weight decrease was due to the staff dropping her canister on the porch steps of her home causing the canister to discharge. The staff indicated that the mishap occurred 29 days prior to the weighing, but she did not immediately notify her supervisor, as required. Probation management should investigate the instance of staff not reporting the discharge of OC spray from her canister, and if necessary, take appropriate disciplinary action.

New Recommendations**Probation management:**

2. Ensure that canister weight measurements are appropriately documented with the employees on a semi-annual basis, and that an appropriate administrative review is completed when there are weight discrepancies.
3. Investigate the instance of staff not reporting the discharge of oleoresin capsicum spray from her canister, and if necessary, take appropriate disciplinary action.

PHYSICAL INTERVENTION (DOJ Provisions 29 and 32)

The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth. In addition, the County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Recommendation 12 from the February 8, 2012 Report

Probation management ensure that the designated facility supervisors complete their review of the staff's use of physical intervention within the required timeframe, or document the reason(s) for the delays in the Safe Crisis Management incident review packet.

Current Status: NOT IMPLEMENTED

We reviewed 15 physical intervention incidents from December 2012 through February 2013, and noted that Probation supervisors did not complete timely reviews of the incidents. Specifically, four (27%) of the 15 reviews were completed an average of six business days late. One of the reviews indicated that the reason for the delay was due to the supervisor being on an approved leave of absence. However, this is not a justifiable explanation for the delay since Probation management could have re-assigned the review to another supervisor. The remaining three reviews did not contain an explanation for the delay.

In addition, the supervisor reviews were not always thorough. Specifically, four (19%) of the 21 minors involved in the incidents were not referred to the Juvenile Justice Mental Health for mental health consultation. In addition, three (20%) of the 15 incident reviews were closed before all the required documentation was submitted and reviewed. Specifically, the supervisors performing the three reviews returned seven

Physical Intervention Reports to staff for additional follow-up, and closed the reviews before receiving and reviewing the updated reports.

New Recommendation

- 4. Probation management ensure that supervisors perform a thorough review of each incident involving a physical intervention.**

Early Intervention System

Probation management provided a timely report from the Early Intervention System (EIS) identifying staff with uses of force that exceeded the established thresholds for review. However, Probation management did not always conduct the required consultation with the staff. Specifically, one (10%) of the ten staff in our sample did not receive a review and consultation within 30 days, as required. At the time of our review, the consultation was 50 days past due and the justification for the delay was not documented.

New Recommendation

- 5. Probation management ensure that each staff member receives a timely review and consultation when their uses of force exceeds the Early Intervention System thresholds for review, or document the justification for the delay.**

YOUTH ON YOUTH VIOLENCE (DOJ Provision 35)

The County and Los Angeles County Office of Education shall develop and implement strategies for reducing youth on youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Recommendation 14 from the February 8, 2012 Report

Probation management consider developing outcome measures, and monitor the results to determine whether their strategies for reducing youth on youth violence are effective.

Current Status: IMPLEMENTED

Probation management indicated that they have considered developing effective outcome measures, but due to the constantly changing population dynamics, they believe it is not possible for them to create a statistical link to determine the effectiveness of their youth on youth violence (YOYV) strategies. Probation management indicated that they have focused their efforts on implementing best practices to reduce YOYV at the juvenile halls and camps.



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



JERRY E. POWERS
Chief Probation Officer

December 5, 2013

TO: Wendy L. Watanabe
Auditor-Controller

FROM: Jerry E. Powers *JEP*
Chief Probation Officer

SUBJECT: **RESPONSE TO THE AUDITOR CONTROLLER'S SECOND FOLLOW-UP
REVIEW**

The following is Probation's response to the Auditor Controller's Second Follow-Up Review regarding the County of Los Angeles Probation Department's Juvenile Halls-Department of Justice Settlement Agreement monitoring results for December 2012 – February 2013.

USE OF SOFT RESTRAINTS (DOJ Provision 18)

The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.

A-C Review Results:

Recommendation 2 from the February 8, 2012 Report

Probation management ensure that supervisors complete reviews of soft restraint incidents within the required timeframe. Current Status: NOT IMPLEMENTED

New Recommendation

1. Probation management ensure that supervisors perform a thorough review of each incident involving soft restraints.

Probation Response: Probation agrees with the findings.

- Probation was 67% in compliance for soft restraint incident reviews (33% or one of three incident reviews was not reviewed within 5 business days and did not include documentation to justify or explain the reason for the delay: 1-Central Juvenile Hall).
- Probation was 33% in compliance for soft restraint Child Safety assessments (66% or two of the three CSAs were not completed within 1 hour: 1-Central Juvenile Hall, 1-Los Padrinos Juvenile Hall).

Probation supervisors responsible for reviewing Soft Restraint incident packets were provided written instruction regarding the timely completion of the reviews and submitting the required documentation prior to closing the reviews, thorough review of the soft restraint incidents and documenting proper justification if the soft restraint incident reviews could not be completed within the required timeframe. Additionally, staff involved in the late and incomplete submission of the Physical Incident Reports (PIRs), Child Safety Assessments and other information related to the Soft Restraint incidents were provided the applicable level of corrective action. Probation management is following up with staff accountability related to timely completion and thorough review of Soft Restraint incidents.

STAFFING LEVELS (DOJ Provision 27)

The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.

A-C Review Results:

Recommendation 2 from the January 31, 2013 Report

Probation management ensure staff adequately supervise minors on enhanced supervision.
Current Status: NOT IMPLEMENTED

Recommendation 7 from the February 8, 2012 Report

Probation management ensure that all minors on enhanced supervision keep their hands, wrists, arms, and entire neck and facial areas visible at all times. Current Status: NOT IMPLEMENTED

Recommendation 6 from the February 8, 2012 Report

Probation management investigate the instance of staff not at her assigned post leaving ten minors unattended, and take appropriate disciplinary action. Current Status: PARTIALLY IMPLEMENTED

Probation Response: Probation agrees with the findings.

- One (1) Probation staff was observed leaving his post resulting in one (1) minor left unattended while on enhanced supervision (1-Barry J. Nidorf Juvenile Hall).
- Two (2) minors on enhanced supervision were completely covered by their blankets while asleep in their beds (Barry J. Nidorf Juvenile Hall).

Probation staff responsible for providing supervision were provided written instruction regarding policy relative to enhanced supervision. Additionally, Probation's internal audit team has conducted random audits at the Juvenile Halls to identify deficiencies in staffing, specifically in the supervision of minors who have been placed on enhanced supervision status. Furthermore, Probation has been proactive in ensuring that staffing levels are appropriate within the enhanced supervision units at the Juvenile Halls. Probation conducts annual refresher training for all sworn staff at Juvenile Hall regarding Suicide Prevention and Enhanced Supervision techniques for at-risk minors to ensure that they are properly trained to keep the minors safe from harm.

CHEMICAL RESTRAINT (DOJ Provision 28)

The County shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent wherever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

A-C Review Results:

Recommendation 8 from the February 8, 2012 Report

Probation management ensure that supervisors complete a timely and thorough review of oleoresin capsicum (OC or pepper spray) incidents. Current Status: NOT IMPLEMENTED

Recommendation 11 from the February 8, 2012 Report

Probation management ensure that Probation Officers carry their OC spray canisters in their holster on their belts while on duty. Current Status: NOT IMPLEMENTED

New Recommendations

2. Probation management ensure that canister weight measurements are appropriately documented with the employees on a semi-annual basis, and that an appropriate administrative review is completed when there are weight discrepancies.
3. Probation management investigate the instance of staff not reporting the discharge of OC Spray from her canister, and if necessary, take appropriate disciplinary action.

Probation Response: Probation agrees with the findings.

- Probation was 80% in compliance for OC Spray incident reviews (20% or three of the fifteen incidents were not reviewed within 5 business days: 2-Central Juvenile Hall, 1-Los Padrinos Juvenile Hall).
- Probation was 87% in compliance for OC spray incidents that involve minors on the Fragile Minors or Psychotropic medication list (13% of OC incidents involved minors on the list without written justification in the incident reports: 2-Barry J. Nidorf Juvenile Hall, 4-Central Juvenile Hall).
- Probation was 83% in compliance with submitting Mental Health consultation referrals for minors involved in OC spray incidents (17% or six of the 48 minors involved in OC Spray incidents were not referred for Mental Health consultation: 1 incident at Barry J. Nidorf Juvenile Hall).
- Probation was 53% in compliance for the closing of OC incident reports (47% or seven of the 15 OC incident reviews were closed before all of the required documentation was submitted and reviewed: 2-Barry J. Nidorf Juvenile Hall, 5-Central Juvenile Hall).
- Probation was 87% in compliance for Officers carrying OC canisters (17% or five of the 30 Officers did not have their OC spray on their person: 1-Barry J. Nidorf Juvenile Hall, 3-Los Padrinos Juvenile Hall)

OC Spray Review:

The Probation supervisors responsible for reviewing OC spray incident packets were provided written instruction regarding timely completion of the reviews and submitting the necessary documentation prior to closing the reviews, conducting a thorough review

of the OC spray restraint incidents and documenting proper justification if the OC spray incident reviews could not be completed within the required timeframes. Furthermore, Probation supervisors were instructed to ensure that proper justification of OC spray deployment is included in all PIRs where OC Spray was deployed.

Additionally, Probation supervisors instructed staff to provide specific justification on PIRs when OC spray was deployed for a minor on either the Psychotropic Medication List or the Fragile Minors List.

All staff responsible for the late and/or incomplete submission of PIRs, incomplete OC issuance and weighing, missing mental health referrals and other pertinent information related to the OC spray incidents were provided with the applicable level of corrective action. Probation management are following-up with staff accountability regarding the required timeframes for completion and submission of the necessary documents prior to closing PIRs and for thoroughly reviewing OC spray restraint incidents.

Carrying OC Spray

All staff that did not have OC spray present on their person while on duty at the time of the audit were provided with the applicable level of corrective action. Furthermore, random audits are being conducted by Probation's internal audit team to ensure that staff are wearing their OC spray canisters at all times while on duty.

PHYSICAL INTERVENTION (DOJ Provisions 29 and 32)

The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth. In addition, the County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

A-C Review Results:

Recommendation 12 from the February 8, 2012 Report

Probation management ensure that the designated facility supervisors complete their review of the staff's use of physical intervention within the required timeframe, or document the reason(s) for the delays in the SCM incident Review Packet. Current Status: NOT IMPLEMENTED

New Recommendation

4. Probation management ensure that supervisors perform a thorough review of each incident involving a physical intervention.

Probation Response: Probation agrees with the findings.

- Probation was 73% in compliance for physical incident reviews (27% or four of the 15 reviews were completed late: 1-Barry J. Nidorf Juvenile Hall, 2-Central Juvenile Hall, 1-Los Padrinos Juvenile Hall).
- Probation was 81% in compliance with submitting Mental Health Consultation referrals for minors involved in physical incidents (19% or four of the 21 minors involved in physical incidents were not referred for consultation: 3-Barry J. Nidorf Juvenile Hall, 1-Central Juvenile Hall).

- Probation was 80% in compliance for the closing of physical incident reports (20% or three of the 15 physical incident reviews was closed before all of the required documentation was submitted and reviewed: 3-Central Juvenile Hall, 1 Los Padrios Juvenile Hall).

The Probation supervisors responsible for reviewing PIRs were provided written instruction regarding the timely completion of the reviews and submitting the necessary documentation prior to closing the reviews, conducting a thorough review of the PIRs and documenting proper justification if the physical intervention incident reviews could not be completed within the required timeframe. Furthermore, the staff responsible for submitting the late and incomplete PIRs were issued the applicable level of corrective action. Probation management are following-up with staff accountability related to the timely completion and thorough review of PIRs related to Physical Intervention.

Early Intervention System (EIS)

A-C Review Results:

New Recommendation

5. Probation management ensure that each staff member receives a timely review and consultation when their uses of force exceeds the EIS thresholds for review, or document the justification for the delay.

Probation Response: Probation agrees with the findings.

- Probation was 90% in compliance with EIS provisions (10% or one of the ten staff did not receive an EIS review and consultation within 30 days as required: 1-Central Juvenile Hall).

Probation has employed tracking protocols to ensure all Early Intervention System (EIS) reviews are completed within the required timeframe. Probation management are following-up with staff (supervisor) accountability regarding the guidelines for timely completion of the reviews and consultations needed for the Early Intervention System.

Please call me if you have any questions, or your staff may contact Sharon Harada at (562) 940-2506.

JEP:fc

C: Don Meyer, Assistant Chief
Felicia Cotton, Deputy Chief
Sharon Harada, Bureau Chief



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Probation supervisors responsible for reviewing Soft Restraint incident packets were provided written instruction regarding the timely completion of the reviews and submitting the required documentation prior to closing the reviews, thorough review of the soft restraint incidents and documenting proper justification if the soft restraint incident reviews could not be completed within the required timeframe. Additionally, staff involved in the late and incomplete submission of the Physical Incident Reports (PIRs), Child Safety Assessments and other information related to the Soft Restraint incidents were provided the applicable level of corrective action. Probation management is following up with staff accountability related to timely completion and thorough review of Soft Restraint incidents.

STAFFING LEVELS (DOJ Provision 27)

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Probation staff responsible for providing supervision were provided written instruction regarding policy relative to enhanced supervision. Additionally, Probation's internal audit team has conducted random audits at the Juvenile Halls to identify deficiencies in staffing, specifically in the supervision of minors who have been placed on enhanced supervision status. Furthermore, Probation has been proactive in ensuring that staffing levels are appropriate within the enhanced supervision units at the Juvenile Halls. Probation conducts annual refresher training for all sworn staff at Juvenile Hall regarding Suicide Prevention and Enhanced Supervision techniques for at-risk minors to ensure that they are properly trained to keep the minors safe from harm.

CHEMICAL RESTRAINT (DOJ Provision 28)

The County shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent wherever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

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Probation management ensure that supervisors complete a timely and thorough review of oleoresin capsicum (OC or pepper spray) incidents. Current Status: NOT IMPLEMENTED

Recommendation 11 from the February 8, 2012 Report

Probation management ensure that Probation Officers carry their OC spray canisters in their holster on their belts while on duty. Current Status: NOT IMPLEMENTED

New Recommendations

2. Probation management ensure that canister weight measurements are appropriately documented with the employees on a semi-annual basis, and that an appropriate administrative review is completed when there are weight discrepancies.
3. Probation management investigate the instance of staff not reporting the discharge of OC Spray from her canister, and if necessary, take appropriate disciplinary action.

Probation Response: Probation agrees with the findings.

- Probation was 80% in compliance for OC Spray incident reviews (20% or three of the fifteen incidents were not reviewed within 5 business days: 2-Central Juvenile Hall, 1-Los Padrinos Juvenile Hall).
- Probation was 87% in compliance for OC spray incidents that involve minors on the Fragile Minors or Psychotropic medication list (13% of OC incidents involved minors on the list without written justification in the incident reports: 2-Barry J. Nidorf Juvenile Hall, 4-Central Juvenile Hall).
- Probation was 83% in compliance with submitting Mental Health consultation referrals for minors involved in OC spray incidents (17% or six of the 48 minors involved in OC Spray incidents were not referred for Mental Health consultation: 1 incident at Barry J. Nidorf Juvenile Hall).
- Probation was 53% in compliance for the closing of OC incident reports (47% or seven of the 15 OC incident reviews were closed before all of the required documentation was submitted and reviewed: 2-Barry J. Nidorf Juvenile Hall, 5-Central Juvenile Hall).
- Probation was 87% in compliance for Officers carrying OC canisters (17% or five of the 30 Officers did not have their OC spray on their person: 1-Barry J. Nidorf Juvenile Hall, 3-Los Padrinos Juvenile Hall)

OC Spray Review:

The Probation supervisors responsible for reviewing OC spray incident packets were provided written instruction regarding timely completion of the reviews and submitting the necessary documentation prior to closing the reviews, conducting a thorough review

of the OC spray restraint incidents and documenting proper justification if the OC spray incident reviews could not be completed within the required timeframes. Furthermore, Probation supervisors were instructed to ensure that proper justification of OC spray deployment is included in all PIRs where OC Spray was deployed.

Additionally, Probation supervisors instructed staff to provide specific justification on PIRs when OC spray was deployed for a minor on either the Psychotropic Medication List or the Fragile Minors List.

All staff responsible for the late and/or incomplete submission of PIRs, incomplete OC issuance and weighing, missing mental health referrals and other pertinent information related to the OC spray incidents were provided with the applicable level of corrective action. Probation management are following-up with staff accountability regarding the required timeframes for completion and submission of the necessary documents prior to closing PIRs and for thoroughly reviewing OC spray restraint incidents.

Carrying OC Spray

All staff that did not have OC spray present on their person while on duty at the time of the audit were provided with the applicable level of corrective action. Furthermore, random audits are being conducted by Probation's internal audit team to ensure that staff are wearing their OC spray canisters at all times while on duty.

PHYSICAL INTERVENTION (DOJ Provisions 29 and 32)

The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth. In addition, the County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

A-C Review Results:

Recommendation 12 from the February 8, 2012 Report

Probation management ensure that the designated facility supervisors complete their review of the staff's use of physical intervention within the required timeframe, or document the reason(s) for the delays in the SCM incident Review Packet. Current Status: NOT IMPLEMENTED

New Recommendation

4. Probation management ensure that supervisors perform a thorough review of each incident involving a physical intervention.

Probation Response: Probation agrees with the findings.

- Probation was 73% in compliance for physical incident reviews (27% or four of the 15 reviews were completed late: 1-Barry J. Nidorf Juvenile Hall, 2-Central Juvenile Hall, 1-Los Padrinos Juvenile Hall).
- Probation was 81% in compliance with submitting Mental Health Consultation referrals for minors involved in physical incidents (19% or four of the 21 minors involved in physical incidents were not referred for consultation: 3-Barry J. Nidorf Juvenile Hall, 1-Central Juvenile Hall).

- Probation was 80% in compliance for the closing of physical incident reports (20% or three of the 15 physical incident reviews was closed before all of the required documentation was submitted and reviewed: 3-Central Juvenile Hall, 1 Los Padrios Juvenile Hall).

The Probation supervisors responsible for reviewing PIRs were provided written instruction regarding the timely completion of the reviews and submitting the necessary documentation prior to closing the reviews, conducting a thorough review of the PIRs and documenting proper justification if the physical intervention incident reviews could not be completed within the required timeframe. Furthermore, the staff responsible for submitting the late and incomplete PIRs were issued the applicable level of corrective action. Probation management are following-up with staff accountability related to the timely completion and thorough review of PIRs related to Physical Intervention.

Early Intervention System (EIS)

A-C Review Results:

New Recommendation

5. Probation management ensure that each staff member receives a timely review and consultation when their uses of force exceeds the EIS thresholds for review, or document the justification for the delay.

Probation Response: Probation agrees with the findings.

- Probation was 90% in compliance with EIS provisions (10% or one of the ten staff did not receive an EIS review and consultation within 30 days as required: 1-Central Juvenile Hall).

Probation has employed tracking protocols to ensure all Early Intervention System (EIS) reviews are completed within the required timeframe. Probation management are following-up with staff (supervisor) accountability regarding the guidelines for timely completion of the reviews and consultations needed for the Early Intervention System.

Please call me if you have any questions, or your staff may contact Sharon Harada at (562) 940-2506.

JEP:fc

C: Don Meyer, Assistant Chief
Felicia Cotton, Deputy Chief
Sharon Harada, Bureau Chief